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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,397	04/17/2001	Hark C. Chan	LOCREM-01	7258
23437	7590	07/01/2004	EXAMINER	
HARK CHAN 861 BRENT DRIVE CUPERTINO, CA 95014			NANO, SARGON N	
			ART UNIT	PAPER NUMBER

2157

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

## Application No.

09/836,397

## Applicant(s)

CHAN, HARK C.

## Examiner

Sargon N Nano

## Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17April2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to application filed on April 17, 2001. Claims 2 - 11 are pending examination.

### ***Drawings***

The drawings are objected to because figures 1A, 2A, 2B, 2C, 3A, 3B, 6 and 7, arrowheads should be shown at input and output of each device. Figure 6 should be changes to figures 6A and 6B. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 2 is objected to because of the following informalities: in line 12 delete "and" and insert - - , - - . Appropriate correction is required.

Claim 5 is objected to because of the following informalities: in line 1 insert "of" after the number "2". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 2 – 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Flanagan et al., U.S. No. 6,272,545.

Flanagin teaches the invention as claimed including a system for communication through a wide area network (see abstract).

As to claim 2, Flanagin teaches a system for communication through a wide area network, said system comprising:

an apparatus comprising:

a wide area interface adapted to communication with at least one portable unit via said wide area network: and (see col.6, lines 24- 45 and fig. 3).

a wireless local interface adapted to communicate with said at least one portable unit when said at least one portable unit is located within a domain: (see col.12, lines 33 - 47).

said at least one portable unit comprising:

a wide area interface for communication with said apparatus via said wide area network; and (see col.5, lines 51 - 67).

a wireless local interface adapted to communicate with said apparatus when said at least one portable unit is located, within said domain; and (see col.3, lines 1-24).

wherein at least one member of said apparatus and said at least one portable unit comprises a clock and generates non-deterministic digital contents at times determined by said clock said one member uses its wireless local interface to deliver at least one of said digital contents to another member of said apparatus and said at least one portable unit, said digital content being used by said apparatus and said at least

one portable unit as identification in communication via said wide area network. (See col.8, lines 10 - 45).

As to claim 3, Flanagan teaches the system wherein said one member comprises a random number generator used for generating said digital contents. . (See col.8, lines 10 - 45).

As to claim 4, Flanagan teaches the wherein said apparatus and said at least one portable unit each comprises a memory for storing said at least one non-deterministic digital content. (see col.11, lines 57- 67 and col.12, lines 1-6).

As to claim 5, Flanagan teaches the system wherein each of said wireless local interfaces comprises a radio frequency interface. (see col.6, lines 25 - 45).

As to claim 6, Flanagan teaches the system wherein said at least one portable unit is a cellular phone. (see col.6, lines 25 - 45).

As to claim 7, Flanagan teaches the system wherein said at least one portable unit is a personal digital assist device. (see col.6, lines 25 - 45).

As to claim 8, Flanagan teaches the system wherein said at least one digital content comprises an algorithm. (see col.6, lines 62 – 67 and col.7, lines 1- 9).

As to claim 9, Flanagan teaches the system wherein said at least one digital content comprises a digital code. (see col.2, lines 18 – 33).

As to claim 10, Flanagin teaches the system wherein said wireless local interface of said apparatus and said at least one portable unit performs authentication in delivering said at least one digital content. (see col.7, lines 36 – 67 and col.8, lines 1 – 2).

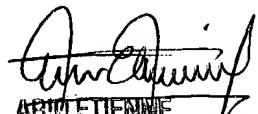
As to claim 11, Flanagin teaches the system wherein said one member can detect a presence of said another member and delivers said at least one digital content to said another member automatically without user intervention. (see col.12, lines 64 – 67 and col. 1) lines 1 - 12).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N Nano whose telephone number is (703) 305-4651. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308- 7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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